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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the combined sixth and seventh periodic reports of Ireland*

General

1. Please provide information and statistics, disaggregated by sex, age and location, on the current situation of women in the State party, with respect to all areas covered by the Convention. Please indicate how the State party intends to improve the collection and analysis of such data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and in the promotion of substantive equality between women and men.

2. Please provide information on measures taken to ensure that women in the State party are aware of their rights under the Convention and are able to invoke those rights, including through uninhibited access to justice when their rights have been violated. Please also provide information on relevant cases brought before the courts with respect to discrimination against women and the outcomes of those cases and indicate whether the Convention has been invoked before the courts. Please provide information on efforts made to give sufficient visibility to the Convention, the communications and inquiry procedures provided for by the Optional Protocol thereto and the Committee's general recommendations, in particular general recommendation No. 33 (2015) on women's access to justice, and to make them an integral part of the training of judges, lawyers, prosecutors, police officers and other law enforcement officers.

Reservations

3. With reference to the Committee's previous concluding observations (A/60/38, para. 398),[1] please provide information on measures taken to withdraw reservations to articles 11 (1), 13 (a) and 16(1) (d) and (f).

Note: The present document is being circulated in English, French and Spanish only.

* Adopted by the Committee at its sixty-third session (15 February-4 March 2016).

[1] Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.

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Constitutional, legislative and institutional framework

4. With reference to the Committee's previous concluding observations (para. 380), please provide information on the steps taken to incorporate the provisions of the Convention into national law and to ensure the availability of effective remedies for all women, including disadvantaged groups of women, in the State party. Specifically, please provide information on the concrete measures taken to revise article 41 (2) of the Constitution on the stereotypical role of women in the home and society (A/HRC/WG.6/12/IRL/1, para. 140). What measures have been taken to introduce a comprehensive definition of discrimination against women in line with article 1 of the Convention? In the light of the response by the State party to the Human Rights Council under the universal periodic review procedure (A/HRC/19/9/Add.1, para. 107.12), please provide an update on the amalgamation of the Equality Authority and the Human Rights Commission. Please state how that amalgamation strengthens the protection of women and girls, in particular disadvantaged groups such as older women, migrant women and women with disabilities, from all forms of discrimination. Please also provide an update on the implementation of the new public service duty to promote equality and human rights in the State party, which came into force in November 2014. Please provide information on measures being taken, including the organizing of a referendum, to amend the constitutional provision on the right to life so that legislation can be introduced that provides for more permissible grounds for the termination of pregnancy in cases of rape, incest and severe fetal impairment.

Access to justice

5. Please provide information on whether, following the work of the interdepartmental committee to establish the facts of State interaction with the Magdalene Laundries, the State party will establish an independent inquiry to investigate the full extent of the violations perpetrated against women and girls who were forcibly housed in the Laundries, including cases of forced and unpaid labour and detention. What measures are envisaged to ensure the prosecution and punishment of the perpetrators? Furthermore, please provide information on the number of women victims of violations committed in the Magdalene Laundries who: (a) have opted into and accessed the ex gratia compensation announced in 2013, including those who live abroad; (b) have access to health and community care, and provide information on the nature of such care; and (c) require adaptation services. Please provide an update on the status of the assisted decision-making (capacity) bill of 2013 and a timeline for its enactment. What specific measures have been taken to set up a dedicated unit aimed at providing services to survivors, including shelter and education assistance?

6. Please provide detailed information on the activities of the Commission of Investigation into Mother and Baby Homes and certain related matters, established in February 2015 to investigate whether "residents" of mother and baby homes were treated differently on the grounds of race, religion, Traveller identity or disability. Given the limited scope of the mandate of the Commission, please provide information on the measures envisaged to investigate allegations of discrimination, abuse and ill-treatment of women and girls who were housed in those homes in order to determine, inter alia, the treatment of all unmarried girls and women whose children were subjected to forcible and illegal adoptions. Specifically, please provide information on measures to: (a) investigate allegations of sexual abuse,

detention, involuntary medical experimentation, infant and maternal mortality and the involvement of adoption agencies and professionals who facilitated adoptions; (b) investigate all homes that were operating during the period; and (c) identify the remains of deceased infants in mass graves in order to allow the biological mothers and relatives of the deceased infants to know the circumstances of their deaths. Please provide information on the composition and competencies of the confidential committee established to provide a forum for persons who were once resided in the homes or who worked in those institutions. Please also explain the mischief that the proposed bill on information and tracing seeks to prevent in requiring surviving adoptees to sign a statutory declaration undertaking not to contact their biological mothers as a condition for gaining access to their birth certificates. Please also state whether adoptees have access to files, medical and other records and documents regarding their adoptions.

7. Please provide information on the specific measures taken to investigate allegations that, during childbirth, more than 1,500 girls and women were subjected, without their free and informed consent to symphysiotomy, a surgical procedure introduced into clinical practice in public and private hospitals between 1944 and 1987, which involved the severing of one of the main pelvic joints and the unhinging of the pelvis. Please state the specific measures being taken to investigate into that practice in order to identify, prosecute and punish those who performed the procedure on children without parental consent. Please also provide information on progress made in establishing an ex gratia compensation scheme for survivors of symphysiotomy and provide other remedies to them.

National machinery for the advancement of women

8. Following the Committee's previous concluding observations (para. 385), please provide information on the current status, mandate, financial, human and technical resources and activities of the national machinery for the advancement of women. Please provide information on the challenges encountered in monitoring the implementation of the National Women's Strategy (2007-2016) and in successfully promoting the mainstreaming of gender perspectives in all areas and sectors of the State party. Please also indicate progress made with regard to gender budgeting and the mechanisms in place to monitor and evaluate the implementation of existing strategies to ensure that budget allocations to various sectors are consistent with their respective gender mandates and activities. Please also indicate the specific steps being taken to ensure that the post-2016 strategy for women covers disadvantaged groups of women, including Travellers, Roma and migrants. Please indicate the extent to which the national machinery for the advancement of women cooperates with civil society, including non-governmental organizations and associations that promote specific women's rights.

Temporary special measures

9. Please indicate whether any temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, have been adopted to accelerate the achievement of substantive equality between women and men. Please include information on the intended outcomes that those measures, information on their enforcement and monitoring and statistical data on the results achieved.

Stereotypes

10. In its previous concluding observations (para. 382), the Committee reiterated its concern about the persistence of stereotyping regarding the roles and responsibilities of women and men in the family and society that are entrenched in article 41 (2) of the Constitution, which are reflected in the educational choices and employment patterns of women and in their low level of participation in political and public life. Please provide information on the implementation and monitoring of measures taken since the Committee's consideration of the previous report of the State party to eliminate stereotypical attitudes towards women and girls, including those who experience multiple forms of discrimination such as Traveller, Roma and migrant women.

Violence against women

11. Following the Committee's previous concluding observations (paras. 386 and 387), please provide information on challenges and achievements in the implementation of the Domestic Violence Act of 1996 and the National Strategy on Domestic, Sexual and Gender-based Violence. According to information before the Committee, a bill consolidating various laws on domestic violence has been published. Please provide information regarding the timeline for its adoption and whether it has incorporated changes based on existing legislation, including the Domestic Violence Act, in order to, inter alia, remove the qualifying period as part of an application for a safety order, protect the anonymity of victims and pursue criminal prosecution for violent and coercive acts, harassment and stalking (A/HRC/WG.6/12/IRL/1, para. 68). Please provide disaggregated data on the number of prosecutions and convictions during the reporting period involving violence against women, including domestic violence. Please state the specific measures that have been adopted to address the low prosecution and conviction rates, as well as the high withdrawal rate of complaints (para. 386). What achievements have been attained in encouraging women to report incidents of violence against them, including domestic violence, since the establishment of Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, in 2007? Please provide information on the funding of organizations, including existing shelters, that provide support services to victims. Please provide information on the accessibility of those shelters by women, in particular Traveller and Roma women.

12. What measures have been put in place to protect disadvantaged groups of women, in particular women with disabilities, Traveller and migrant women, from violence against them, including domestic violence? What specific measures have been introduced to address the high levels of violence against those women, including domestic violence? Please provide information on measures in place to collect comprehensive data on violence against those groups of women and to address the existing administrative and financial obstacles that disadvantaged groups of women, in particular women whose immigration status is dependent on their spouses or partners and who, therefore, do not qualify as habitual residents, encounter in accessing essential support services. Please also provide information on measures to strengthen and further develop training programmes on violence against women and its causes and consequences that are tailored for judges, police officers and other law enforcement officials.

13. Please provide information on the challenges and achievements in the implementation of the Criminal Justice (Female Genital Mutilation) Act of 2012. Please provide detailed information on measures taken to effectively prevent female genital mutilation and to provide medical and psychosocial support for victims, considering the real risk of the practice among migrant communities.

Trafficking and exploitation of prostitution

14. In its previous concluding observations (para. 388), the Committee expressed concern at the lack of information on the extent of the problem of trafficking in women and girls in the State party and the lack of a comprehensive strategy to combat it. Please provide information on measures included in the National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland (2009-2012), which expired in 2012, and comprehensive data on the results of its implementation. What specific steps are being taken to adopt a new national action plan? Since the adoption of the Criminal Law (Human Trafficking) Act of 2008, has there been any significant increase in the identification, prosecution and conviction of perpetrators? Please also provide information on measures taken to provide adequate assistance and protection to all victims of trafficking in persons and to increase the number of State-run shelters for victims, as well as on measures taken to improve the Government's cooperation with and funding of non-governmental organizations providing temporary shelter, rehabilitation and reintegration services for victims. Please provide information on the treatment of women and girls who are victims of trafficking who are placed in direct provision centres. Please provide detailed information on the support provided by the Victims of Crime Office and the Commission for the Support of Victims of Crime to women and girls who are victims of trafficking. Please also provide information on measures taken to improve bilateral and regional cooperation in order to prevent trafficking in women and girls, protect victims and facilitate the prosecution of perpetrators.

15. Please provide information on the prevalence of exploitation of prostitution and existing measures aimed at preventing that phenomenon. Please provide information on the studies that led to the drafting of section 20 of the criminal law (sexual offences) bill of 2015, which would criminalize the purchase of sexual services, and how it would address exploitation of prostitution. Please provide information on measures taken to understand the impact that the criminalization of sexual services would have on the efforts of the State party to effectively combat HIV/AIDS transmission among women in prostitution.

Participation in political and public life

16. In the light of the Committee's previous concluding observations (para. 389), please provide updated information on the participation of women in public life, in particular on State boards and in senior positions in the Government, the judiciary and the diplomatic service. Please provide information on specific measures, including temporary special measures and other programmes and training initiatives, to promote the participation of women in political and public life. Please also provide information on recruiting practices, access to financial assistance and mechanisms for monitoring the impact of those measures. Please indicate whether those measures include campaigns to raise awareness of the importance for society as a whole of participation by women in decision-making. Please provide information on the progress made in implementing the programme of the

Government for national recovery (2011-2016), in which the State party restated its commitment to take specific steps to ensure that the membership of all State boards have at least 40 per cent of each gender (HRI/CORE/IRL/2014, para. 189). To what extent has the policy to give due regard to gender balance in considering applications to fill State board vacancies, affirmed in April 2011, accelerated the representation of women on State boards and in decision-making positions in general?

17. Following the national report by the State party to the Human Rights Council under the universal periodic review procedure (A/HRC/WG.6/12/IRL/1, para. 140), please provide updated information on progress made in improving women's representation in politics since the adoption of the Electoral (Amendment) (Political Funding) Act of 2012, which sanctions non-compliant political parties by reducing their State funding if they do not meet the requirement to have women account for at least 30 per cent of their candidates in general elections. Please provide information on the specific measures taken to ensure the participation of women in local elections. Following the adoption of the Local Government Reform Act of 2014, please indicate whether policies and guidelines regulating local government structures enhance the participation of women in decision-making and policy formulation processes. Please state the temporary special measures envisaged to enhance the representation of women in local government, considering that the above-mentioned sanctions under the Electoral (Amendment) (Political Funding) Act do not apply to local government elections. Please provide information on specific measures in place to improve the participation of Traveller and Roma women in political and public life.

Women and peace and security

18. Please provide information on progress made in implementing Security Council resolution 1325 (2000), including the national action plan thereto. Please provide information on the obstacles to women's participation in conflict prevention, management and resolution and the measures taken to overcome them. Please state the measures that have been taken to ensure that migration and asylum policies do not deter or limit opportunities for women and girls fleeing conflict-stricken countries to lawfully gain access to asylum, and thus decrease their vulnerability to trafficking and exploitation. Please state the measures that have been taken to ensure zero tolerance of sexual exploitation of women and girls by State security personnel, including peacekeeping forces, the border police, immigration officials and humanitarian actors.

Education

19. Please provide information on measures taken to diversify academic and vocational choices for women and men and to encourage women and girls to choose non-traditional fields of education and careers, as well as information on measures taken to combat gender stereotypes at all levels of the education system. Please also provide information on measures taken to revise school curricula to ensure that they include age-appropriate education on sexual and reproductive health and rights that adopts a gender perspective and takes into account developments in the fields of education and health. Please provide information on the prevalence of teenage pregnancy and how it affects the continuation of formal schooling for girls. Please also provide information on the progress made and other measures taken to

strengthen the position of women in leadership roles in academic institutions and provide sex-disaggregated data on the number of women in senior administrative and academic positions at all levels of the education system. Please provide information on specific measures being taken to address the obstacles that Traveller, Roma and migrant women and girls face in obtaining access to education. Please explain how the bill on admission to schools of 2013, which proposes that the children of past pupils at a given school receive preference in enrolment at that school, would have an impact on the access to education of Traveller, Roma and migrant women and girls.

Employment

20. In its previous concluding observations (para. 394), the Committee expressed concern that women continued to be concentrated in part-time and low-paid work and that the gender wage gap was significant. Please provide information on any steps taken to ensure the principle of equal pay for work of equal value and to introduce temporary special measures to address occupational segregation. What specific measures are in place to address the gender wage gap, which in turn affects the gender pension gap? Please also state the measures taken to address the impact of the "marriage bar", the policy that forced women working in the civil or public service prior to 1973 to resign upon marriage, on the pensionable income of older women. Since the Committee's previous concluding observations were issued, what measures have been taken to protect migrant domestic workers, the vast majority of whom are women, from discrimination and to ensure that protection against discrimination is extended to them as employees under the Equality Act (para. 394)? In the light of the Committee's previous concluding observations (para. 395), please provide information on the measures taken to raise awareness of the importance of responsible fatherhood and of men's participation in child-rearing and equally sharing domestic duties, as well as the awareness of employers and employees with respect to flexible working arrangements. Please provide an update on the status of plans to provide two weeks of paternity leave and six months of paid parental leave in order to facilitate the sharing of childcare responsibilities between women and men. Please state the impact that the changes to the one-parent family payment scheme have had on women's access to childcare services and their participation in economic activities. Please state the measures in place to fill the gap between the demand for and supply of affordable and high-quality childcare services.

Health

21. According to information before the Committee, in response to the decision of the European Court of Human Rights in 2010 in the case of *A, B and C v. Ireland*, the State party adopted the Protection of Life during Pregnancy Act of 2013, which limits access to abortion to instances in which there is a "real and substantial risk", including of suicide, to the life of the pregnant woman. Please provide information on the framework that regulates the determination of risk to the life of the pregnant woman in deciding whether to allow her to procure an abortion. Please also explain in detail the specific steps that a woman has to follow in order to legally procure an abortion on those grounds. Please provide information on legislative measures envisaged to revise the law in order to provide for abortion on other grounds, including threat to the health of the pregnant woman, rape, incest and severe fetal impairment, and to remove punitive measures for women who undergo abortions.

Please provide detailed information regarding the demand for abortion services by women and girls, including those who procure them abroad, and the cost to women for travel and abortion services and care in those countries.

22. Please also provide information on the extent of the problem of clandestine abortions in the State party, and whether medical personnel can provide post-abortion care in those circumstances without being prosecuted. Please provide information on measures to revise the Regulation of Information Act of 1995, which criminalizes the provision of information by health-care providers and pregnancy counsellors that advocates or promotes the option of abortion. Please state the programmes that are in place to increase the accessibility, availability and affordability of modern contraceptive methods and family planning services, as well as to facilitate access by women and girls to health services, in particular reproductive health services. Please provide an update on the implementation of the recommendations made by the Law Reform Commission in 2011 with regard to taking into account the views of minors in the context of contraception. Please also provide information on the prevalence of breast and cervical cancer and the measures taken to prevent those and other chronic non-communicable diseases that predominantly affect women, as well as on the percentage of the national budget allocated to combating those diseases. Please also provide information on the health situation of Traveller, Roma and older women, women migrant workers, women with disabilities and women in detention.

Rural women

23. Please provide information and statistical data on the situation of rural women. Please provide information on the existence of a strategy addressing rural development, including on whether it incorporates a gender perspective and includes targeted support for rural women to increase their access to health, education, justice, employment, economic development initiatives and ownership of land and to promote their participation in decision-making. Please also provide information on the extent to which rural women are aware of their rights under the Convention and whether there are information-sharing strategies in place to that effect. Please also provide information on measures taken to review and adjust levels of social benefits to ensure an adequate standard of living for women and their families in rural areas.

Disadvantaged groups of women

24. Please provide updated information and data on the human rights situation of older women, including widows, migrant women, Traveller and Roma women and women with disabilities, in respect of education, employment and access to health services as well as their protection from sexual violence and abuse. What measures have been taken to revise the Housing (Traveller Accommodation) Act of 1993 so that authorities can be sanctioned if they do not take measures to provide accommodation for Travellers? According to information before the Committee, the number of women committed to prison more than doubled between 2007 and 2014, and the majority of those women were incarcerated for non-violent offences and the non-payment of fines. What steps have been taken to implement the Fines (Payment and Recovery) Act of 2014, which seeks to reduce the high number of women who have been incarcerated for defaulting on court-ordered fines? Please provide age-disaggregated data on the number of women and girls in the State party's

prisons and other places of deprivation of liberty who are on remand or who are serving prison sentences and the offences that they committed. Please provide information on specific measures to address the overrepresentation of Traveller women in the prison population and the prevalent stereotypes that increase their risk of imprisonment. Please state the measures in place to protect pregnant prisoners and to ensure the access of women prisoners to sexual and reproductive health services. What measures are in place to enhance mental health services for women in prisons?

Marriage and family relations

25. Please provide information on any legal developments, since the previous consideration of the State party's report in 2005, regarding the proposed family law bill and attempts to safeguard the rights of women with respect to the family home. Please provide information on the economic situation of women and children in the aftermath of divorce. Please also provide information on the legal regulations (statutory and case law) in place governing the distribution of property upon divorce or dissolution of a de facto union (opposite or same sex).

Additional information

26. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other types of measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report. That may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments and any other information that the State party considers relevant.

27. With respect to the issues raised herein, the State party will be expected to respond during the dialogue to additional questions posed by the Committee within the framework of the Convention.